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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,446	02/20/2002	James M. Clauss	109859-130053	3040

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EXAMINER

BADERMAN, SCOTT T

ART UNIT	PAPER NUMBER
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2113

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

10/081,446

Applicant(s)

CLAUSS ET AL.

Examin r

Scott T Baderman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 46-67 is/are allowed.
- 6) ☒ Claim(s) 16-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. Claims 46-67 are allowed.
2. The following is an examiner's statement of reasons for allowance:

With respect to claims 46, 52 and 58, the Examiner asserts that the novelty of the claims, when read as a whole, is the process of "returning a result from a function call that indicates that the error/warning indication *has been stored in the error/warning storage structure*, wherein *subsequent function call returns are not required to store error/warning indications resulting from the event causing the stored indication.*"

With regard to the Applicant's argument that claims 46-50, 52-56 and 58-62 of the instant application describe a different invention than claims 1-5, 6-10 and 11-15, respectively, of U.S. patent No. 6,363,503, the Examiner agrees with this statement. For the record, patented claims 1-5, 6-10 and 11-15 are to be properly interpreted such that the limitation "at least one of an error and a warning" means "at least one of an error and one of a warning." That is, both an error and a warning are required. Further, claims 46-50, 52-56 and 58-62 of the instant application are to be properly interpreted such that the limitation "at least one of an error or a warning" means that there will be either one of an error or one of a warning, not both. Based on these interpretations, the inventions are not obvious of one another.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16-23, 26-33 and 36-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burrows et al. (6,397,117) in view of Ben-Natan et al. (5,740,354).

These claims are rejected for the same reasoning as was presented in the previous Office action mailed July 6, 2004, paragraph 9.

5. Claims 24, 25, 34, 35, 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burrows et al. and Ben-Natan et al., as applied to claims 23, 33 and 43 above, and further in view of Mueller (6,115,544).

These claims are rejected for the same reasoning as was presented in the previous Office action mailed July 6, 2004, paragraph 10.

Response to Arguments

6. Applicant's arguments filed October 6, 2004 have been fully considered but they are not persuasive.

With respect to claims 16, 26 and 36, the Applicant argues that Burrows et al. discloses nothing about generating a failure indication. The Examiner respectfully disagrees. Burrows et al. clearly teaches that a user completes a form and then submits it to a CAD server, wherein the CAD server processes the data received (e.g., performs some form of analysis, synthesis or simulation, as required by the task concerned) and then returns the results to the user, textually or graphically (column 4: lines 50-61). Burrows et al. further discloses that the CAD tool is enabled to process and display results, error messages and so on to the user (column 1: lines 11-14). The Examiner asserts that since Burrows et al. teaches of generating error messages in response to the user inputting data into a CAD tool, that this clearly meets the limitation of "detecting a failure during performance of an operation on a CAD design."

The Applicant further argues that Ben-Natan et al. does not teach or suggest a CAD application or a CAD design. The Examiner relies on Burrows et al. for this teaching. The Applicant further argues that Ben-Natan et al. fails to provide information to a user about how to recover from a failure. The Examiner respectfully disagrees. Figures 9-12 of Ben-Natan et al. clearly teach error reports, wherein the error reports give specific information regarding the

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errors such that the information would aid a user as to how to recover from a failure. This is consistent with the Applicant's interpretation of this limitation. The Applicant states that by including language such as "modeling error: shell too thick" allows a user to know about how to recover from a failure (i.e., by making the shell thinner). The Examiner asserts that the information included in the error reports (Figures 9-12) taught by Ben-Natan et al. at the very least provides similar information to aid a user in to knowing how to recover from a failure. For example, the error message "could not print document" (Figure 10 of Ben-Natan et al.) could encourage the user to reload the driver, etc.

With regard to claims 24, 25, 34, 35, 44 and 45, the Applicant is directed to the arguments above.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,


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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott T Baderman whose telephone number is (571) 272-3644. The examiner can normally be reached on Monday-Friday, 6:45 AM-4:15 PM, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Scott T Baderman
Primary Examiner
Art Unit 2113

STB